

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

JOHN DOE,

Plaintiff,

v.

MICHIGAN STATE UNIVERSITY, et al.,

Defendants.

Case No. 1:18-cv-01413-JTN-ESC

Hon. Janet T. Neff

**KROLL PARTIES' RESPONSE TO  
PLAINTIFF'S NOTICE OF SUPPLEMENTAL AUTHORITY**

Plaintiff submitted a Notice of Supplemental Authority (ECF No. 71) directing the Court to consider *Doe v. University of Michigan*, No. 18-11776 (E.D. Mich. issued Mar. 23, 2020) in connection with the already fully-briefed motions to dismiss by the Defendants. This new authority has been filed on the Court's docket at ECF No. 71-1.

Defendants Kroll Associates, Inc., Mark Ehlers, and Kendra Waldsmith (collectively, the "Kroll Parties") have moved for dismissal because the Complaint does not plausibly allege they were state actors. They were merely private contractors who assisted in MSU's investigation into the allegations of sexual misconduct against Doe. *Doe v. Michigan* (Plaintiff's new case) only involved university employees, and the court never thus addressed the state action issue at all. *See generally* ECF No. 71-1. Therefore, Plaintiff's new authority is inapplicable to the Kroll Defendants' primary argument that the claims against them should be dismissed because they were not state actors.

The Kroll Parties also incorporate and adopt the MSU Defendants response to Plaintiff's Notice of Supplemental Authority regarding due process and qualified immunity. ECF No. 72.

Dated: April 1, 2020

Respectfully submitted,

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KROLL ASSOCIATES, INC., MARK  
EHLERS, and KENDRA WALDSMITH